

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

KENNETH S. PRATHER, )  
vs. )  
**Plaintiff,** )  
vs. )      **Case No. CIV-04-1164-R**  
JO ANNE B. BARNHART, )  
Commissioner of Social Security )  
Administration, )  
**Defendant.** )

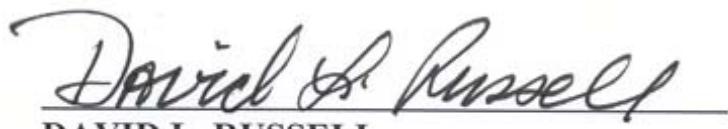
**O R D E R**

This matter is before the Court for review of the Report and Recommendation entered by United States Magistrate Judge Gary M. Purcell on July 5, 2005, which recommended that the Defendant Commissioner's final decision denying the Plaintiff's application for disability insurance benefits be reversed, and that the case be remanded to the Commissioner for further proceedings. The Report and Recommendation advised the parties of their right to object to the Report and Recommendation by July 25, 2005, and further advised the parties that a failure to make a timely objection would waive their right to appellate review.

The Court's records reflect that neither party has filed an objection to the Report and Recommendation within the requisite time period. Accordingly, the Report and Recommendation of the United States Magistrate Judge is hereby ADOPTED in full. The Commissioner's final decision of to deny benefits is hereby REVERSED, and the case is hereby REMANDED to the

Commissioner for further proceedings consistent with the Report and Recommendation.

**IT IS SO ORDERED this 3<sup>rd</sup> day of August, 2005.**

  
**DAVID L. RUSSELL**  
**UNITED STATES DISTRICT JUDGE**